

# Edgefield Advertiser.

"We will cling to the Pillars of the Temple of our Liberties, and if it must fall, we will Perish amidst the Ruins."

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BY WM. F. DURISOE.  
EDITOR & PROPRIETOR.

## NEW TERMS.

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From the Poulton Messenger.

FORT HILL, Nov. 1846.

Gentlemen — I am in the receipt of your note of the 14th ult., in which you express a desire to have my views in relation to the proposed change in our State Constitution, in reference to the election of the President and Vice President. In compliance with your request, I herewith enclose a communication, in which they are briefly sketched. — To have done full justice, in reference to the many and important questions involved in the subject, would have made my communication too prolix.

I have given it the present shape, rather than that of a formal letter in reply to your note, because it left me at liberty to arrange my views in conformity to the order, which the subject required.

With great respect

I am &c &c &c.

J. C. CALHOUN.

Messrs. James L. Orr, William Sloan, A. Evans, and F. W. Symmes.

It would seem from the public prints, that a large majority of those, who are disposed to change the present mode of appointing electors of President and Vice President of the United States, are in favour of a general ticket, in lieu of the present mode of appointing them by the Legislature. They rest their opposition in the latter, and support of the former, on the broad principle, that all power belongs to the People; that they should exercise it directly, without the intervention of any intermediate agency, whenever they can properly do so, and that whenever they can so exercise it, it would be an act of usurpation on the part of the Government to withhold it.

From this they conclude, that the power of appointing electors, should be given to the people directly; and that the mode of appointing should be, to elect them by a general ticket. Those, on the contrary, who are opposed to the proposed change, or the mode proposed to be substituted, in lieu of the present, admit the principle; but deny, that it would give the appointment to the people to elect them by a general ticket; or that, if it would, they could properly exercise it in this case.

The difference then, between them is reduced to two questions: Would the adoption of the general ticket give the power to the people in reality to appoint electors? And, if it would, is this a case, in which it could be properly exercised? On their decision, it is manifest, the propriety of adopting the general ticket must depend. If it should appear on investigation, that it would not in form only, but in truth give the power directly to the people, and that they might exercise it, without disturbing, injuriously affecting the state, in its federal or interior relations, than it might with propriety be adopted. But if the contrary should appear, in either of the cases, then it could not. Thus far, there can be no difference of opinion.

As one of the people, taking the profoundest interest in whatever may touch the liberty or prosperity of state, I have investigated these important questions with the greatest care and deliberation, for the guidance of my own course, and have come to the conclusion adverse to the general ticket in reference to both questions. The investigation has made a deep impression on me, that so far from giving the power to the people, it would be the most effectual way that could be devised of divesting them of it, and transferring it to party managers and cliques, and that if it were possible to overcome that objection, it ought not still to be adopted, because it would deeply disturb and injuriously affect the state in its federal and interior relations. It now remains, in compliance with your request, to state the reasons, which have brought me to these conclusions, which I shall next proceed to do without further remarks.

The first and radical objection to a

general ticket is, that where many are to elect many, especially over a large extent of country, it does not in fact, constitute an election, but is a mere delusion, undeserving the name. The reason is, in the first place, that it is impossible for the great body of the voters to be guided by their individual knowledge in selecting the candidates, either from personal acquaintance or reputation, which is indispensable to that exercise of judgment in making a selection necessary to constitute an election. And in the next admitting it to be possible, and that the mass of voters could be guided by their individual choice in making the selection, the scattering of the votes would be so great that the result, as to who would have the plurality of votes, would be a mere accident, and no indication of the voice of the state. Take our own State for illustration. It is entitled at present to appoint nine electors; and its present number of legal voters may be estimated without pretending to precision, at 50,000, scattered over a surface say of 150 miles. In an election by a general ticket, each voter votes for the whole number to be elected. Now, I hold it to be impossible with all the intelligence of our people for the great mass of them, to form a ticket from their own knowledge, either personally or by reputation, of nine persons, to be electors, duly distributed over its various parts, who may be fairly considered separately as representing the voice of the several portions, in which they may reside, or jointly, the voice of the whole state. Indeed, I might take a far more restricted position, and affirm with truth, not only, that the great mass of voters have not the knowledge to make out such a ticket for themselves, but that even the most intelligent and best informed, would be a loss to do it.

But waiving this difficulty, and admitting, that they have sufficient intelligence to make out each a satisfactory ticket for himself, the other objection, not less difficult would remain to be surmounted, that is the scattering would be so great, that the result, as to who might receive a plurality of votes and be elected, would be a mere accident, and no indication of the voice of the state. The diversity of opinion to the qualification and suitability, would be as great, almost, as the number of voters. Few tickets would have the same names on them, and the great body of the state, would be disappointed and dissatisfied with the result.

It would be impossible for such a state of things long to continue. The first consequence would be for a few prominent and influential individuals, to enter into a secret concert, to control the election, which need not be very extensive, when the scattering would be so great. The next would be, for others to enter into like concert to defeat them; and finally there would grow out of this state of things two parties, with all the usual party machinery, of caucuses, conventions, cliques and managers to control the election. The whole would be put into active operation every four years, on the approach of the Presidential election, and each party would make out a full ticket by what would be called a state convention, and every voter, whether he approve of it or not would have to vote for one or the other, or to throw away his vote on a ticket, formed without concert, and which would have no chance of success.

It is thus, by the operation of causes growing out of the very nature of a general ticket, it would, if it should be adopted, end in delusion. Instead of giving the election, directly to the people, as its supporters assume, it would divest them of it, and place it under the control of intermediate and irresponsible cliques and political managers, as certainly as it is adopted. That ever has and must be its result, and that by laws, as uniform and certain in the moral world, as gravitation is in the physical.

But setting aside this objection, and assuming that the great mass of the voters of the state are sufficiently intelligent and well informed, each to form a ticket for himself, and that their votes could always be sufficiently concentrated, without the intervention of party machinery, to secure a majority of the votes for the nine electors, there would still remain an insuperable reason against adopting it; because, as stated, it would disturb and injuriously affect the state, both in its federal and interior relations. To be more explicit, it would not be just or fair regarding the state in its federal relations, between its two great divisions, the upper and the lower country; and that regarded in its interior relations, it would be calculated to disturb and endanger the compromise, as established by the constitution between them, as I shall next proceed to show.

Before entering on the discussion of this portion of the subject, it will be

proper to premise, that our state is divided by a well defined line, into two great portions or divisions, which are strongly distinguished by their geographical features; the character of their productions and population; and the origin of their inhabitants and manner of settlement.

Of these, one extends from the seacoast to the falls of the great rivers, and is called the lower country; and the other extends thence to the mountains, and is called the upper country.

They constitute not only the two great geographical, but also the two great political divisions of the state, on which its political fabric rests.

Passing over the other features, which distinguish them, there are two which from their important bearing on the points under consideration, require particular notice; I refer to the great excess of the slave population of the one compared with the other, and the difference in the origin of their inhabitants and manner of settlement. They both have had great influence in forming and modifying its constitution and laws, and placing the two divisions in the political relations, to which they stand to each other, as will appear in the sequel. With these remarks I shall now proceed to make good the position, that the adoption of a general ticket would not be fair or just between them regarding the state in its federal relations.

The federal constitution, in reference to Presidential elections provides, that "each state shall appoint, in such manner, as the Legislature thereof may direct a number equal to the whole number of Senators and Representatives, to which the State may be entitled in Congress;" It also provides that the "Representatives shall be apportioned among the several states of the Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to serve for a term of years and excluding Indians not taxed, three fifths of all other persons."

It follows from these provisions, that the federal numbers of the slave holding states, and consequently their representation in the House of Representatives and the electoral College, and through them, in the federal Government, depends more or less, on their respective slave population. That of this state, depends more on it than any other, because she has the greatest number in proportion of that description of population. Its federal number by the present census is 463,582 of which the free population makes 267,360; and its slave population 196,222. — Its aggregate federal number, divided between the lower and the upper country would give to the former 246,180, and to the latter 217,402, and a correspond excess to the lower over the upper in the weight of the state in the federal government.

But their respective weight is very unequally affected by their slave population in consequence of its very unequal distribution between the two divisions. Of the 196,222, which the slave population adds to the federal weight of the state, the upper division adds but 66,408, while the lower, adds 129,814, being more than 2 to one on the part of the latter. The case is the reverse in reference to the number (246,180) which the free population adds. Of that the lower division adds but 116,366, against 150,994, which the upper adds. These estimates are throughout based on districts; all lying in the portion of the state below the falls of the rivers, wholly or principally are included in the lower division, and those above, in like manner, in the upper.

Now as the voters consist entirely of the free population, and as the number of voters in the respective divisions is probably very nearly in proportion to their respective free population, it is manifest, should the general ticket be adopted, that the upper division, which gives the state less weight in the federal government than the lower, would have decidedly the power of controlling the appointment of electors, in consequence of having a decided majority of voters.

That a mode of appointing, which would lead to such a result, would be neither fair nor just towards the lower division, no one who has any regard to equity justice will deny. If I do not greatly mistake, the upper country has too deep a sense of both to wish it, even if it had and should tempt to exercise it, the lower has too much spirit to acquiesce in it. But thanks to the justice and wisdom of our state Convention, neither of the divisions has the power to encroach on the just rights of the other. It has secured to each the power to protect itself; so that neither can oppress or injure the other, should it desire it. If, then, one or the other, should suffer by the acts of the government of the state, the fault will be its own, — its want of sufficient intelligence to understand its

rights and its interest, or sufficient spirit to defend them. To show how this has been done, and how the adoption of the general ticket would disturb and endanger the compromise by which it has been effected, remains next to be discussed. Its discussion will require a brief preliminary sketch of the origin and settlement of the state, as far as they have a bearing on establishing the compromise between the two divisions, with the causes which led to it, and its character and the effect on the politics of the state.

Our state was first settled on the coast by emigrants principally from England, but with no inconsiderable intermixture of Huguenots from France. As the former were for the most part of the church of England, the tier of counties (now called Districts) settled by them along the coast were divided into Parishes; and they were made the foundation of the political organization of the colony, and, since the Revolution, of that portion of the state.

The portion of the state along the falls of the rivers and back to the mountains had a very different origin and settlement. Its settlement commenced long after, at a period, but little anterior to the war of the Revolution, and consisted principally of emigrants who followed the course of the mountains, from Pennsylvania, Maryland, Virginia and North Carolina. — They had very little connection, or intercourse for a long time with the old settlement on the coast; and the whole region, they occupied remained almost without any political division or organization until but a short period before the revolution. It was, indeed, very imperfectly organized and slightly connected with the original settlement, and possessed very little political power until the adoption of the present constitution in 1790; although its white population, even then, outnumbered the original settlement on the coast. Its adoption greatly enlarged its political power, and much more intimately united the two divisions; but it still left every department of the government in both branches of the Legislature, which as that had the power of appointing the Governor and Judges, gave it a control over the Executive and Judiciary, and, of course, the whole Government.

It was impossible, with the increasing population, wealth and intelligence of the other portion of the state, that such a state of things should long continue without leading to discontent and conflict.

The former soon showed itself and a conflict commenced within a few years after the adoption of the Constitution, which continued with increasing violence until 1807, when the agitation and disorder had so increased, that sensible and patriotic men on both sides, became satisfied that the conflict must be closed. It was accordingly terminated, not by a surrender on either side, but by a compromise, which placed the two parties on grounds of perfect political equality; the only way by which such conflicts ever can be satisfactorily and permanently adjusted. The composition of the senate, as it stood, consisting of one from each election District, remained undisturbed, which left the old original settlement on the coast in possession of the control of that branch of the Legislature, by reason of its Parish representation. — To give an equal control in the House of Representatives to the more newly settled portion in the interior, was a more difficult task. It was how ever accomplished by allotting to that branch of the Legislature 124 members, of which 62 were assigned to the white population, and 62 to taxation. A census was directed to be taken every ten years, and an estimate to be made of the aggregate amount of taxes paid by each election District for the period of ten preceding years. The number of Representatives allowed to each district to be apportioned to the two with the proviso that each district should have at least one, and it there should be a deficiency in the number, one to be added to the districts having the greatest fractions, until the whole should be 124. By this complex arrangement, not only an equal control was secured to the more recent settled portion of the state in the House of Representatives, but an effectual provision made against unequal and oppressive taxes, by making taxation an element in the Representation of the House. Its effect would be to increase the number of Representatives from the portion of the state unduly taxed, just in proportion to the excess of its taxes, and thereby increase in the same proportion its weight in the House, under the next apportionment. These just and wise provisions, by requiring the concert and joint consent of the two portions of the state in enacting laws, placed on grounds

of perfect equality in the Legislature; and as it retained the power of electing the Governor and Judges, in every department of the government. Each having thus a negative on the other, on all the acts of the government, possesses the power of protecting itself against the injustice and oppression of the other. — Thus the government, ceased to be the exclusive organ of one portion of the state not by becoming like organ of the other, but the concurrent and the joint organ of both, and thereby the true and faithful Representative of the whole State.

This fortunate compromise terminated the conflict, which had so long divided and agitated the state. So completely did it close it, that from its adoption until this time, a period of almost forty years, all local divisions and parties growing out of them, have entirely ceased. The upper and lower country are no longer named for political discord and agitation, and the state has been blessed with an unanimity of sentiment and freedom from parties, altogether without example in any other member of the union. Nor has its effect been less happy, in reference to her federal, than her internal relations. — To it, she owes, in a great measure, her weight and high character and standing in the union, which, as inconsiderable as she is in extent of territory and population, places her on a level in influence, with the largest and most populous of its members.

Destroy this just and wise compromise, by giving to either an undue preponderance in the government of the state, and all this would be reversed. Discord, distraction, parties and factions, with all their machinery and demoralizing consequences, would follow, and sink her far below the level she now occupies. That the general ticket would give such undue preponderance and in the end destroy this happy compromise, I shall next proceed to show.

I have already shown, that it would give an undue and unfair preponderance to the upper division of the state, in its federal relations. But it has been said, it would be restricted to them, without extending its influence to the government of the state and giving either of its great political divisions undue preponderance on it. Those who make this assertion overlook, I must think, the absorbing character of power. Nothing is more so, — whenever it acquires a preponderance, be it ever so small, it will slowly and imperceptibly commence the process of absorption, and continue it until it absorbs the whole power, unless efficient measures be taken in time to counteract it. In this case there are several circumstances, which would greatly increase and accelerate this process, which I shall now proceed to show.

Its adoption would introduce the principle of taking the sense of the state, as a whole, by the mere numerical majority, without regard to its two great natural and political divisions, and the conflicting interests growing out of them, — a principle heretofore utterly unknown to the state, either in its federal or interior relations, or in any of the political changes through which it has passed. But, of all the forms of power in a popular government, it is by far the most absorbing in its character and difficult to counteract. It is indeed but the absolute and despotic form of popular government, just as much so as the absolute and despotic power of one man or a few, is of the monarchical and aristocratical. Now, all experience shows, that there is a constant and strong tendency in all constitutional governments to their absolute and despotic form and in none more so, than in popular constitutional governments like that of this state, resting on the principle of the concurrent majority, as all such governments, — Indeed, nothing short of a high degree of intelligence and constant vigilance can counteract this tendency, as the history of all such governments proves. Our own both federal and state, already give strong indications of it, so much so, that it has become a fixed opinion in a large portion of the union, that the mere numerical majority of the whole, has the absolute and indefeasible right to govern.

But, as absorbing as this power is of itself, the nature of the election, in connection with which, it would be introduced would greatly increase its force. Of all our elections, whether of the federal or state governments, the Presidential excites by far the greatest interest, and exerts the greatest influence over the public mind, because it greatly exceeds all others in importance. Such being the case, the place of electors is sought by citizens of influence and distinction, both on account of its prominence and the influence it is calculated to give with the President and his administration, in the distribution of the honors and emoluments of the federal government, should the candidate voted for succeed in being elected.

These considerations could not fail to induce those, who aspire to so prominent and desirable a station to court popular favor and especially that of the division of the state, which might have the greatest number of votes and control over the election, and that, in too many cases even at the sacrifice of their own, should they happen to reside in the other. This would increase the preponderance of that division to a degree, that would be strongly felt in the Legislature of the state and the election of the governor and other prominent officers, to the increase of its influence, and decrease of the influence of the other, in the same proportion.

But as strong as in the tendency of the numerical majority of itself to absorb power, without reference to the form of taking it, and as much as it would be increased, in consequence of its connection with the Presidential election, its increase from the form of that election, should it be by general ticket, would exceed both of the others combined. Its vast increase from this source would be derived from a consequence, which, as already shown, would follow its adoption, that is that it would introduce the caucus system, with all its train of party managers, with their cliques and machinery. The system once introduced, although for the particular purpose of nominating electors, would not be slow in extending its jurisdiction far beyond, braiding under it the nomination of the Governor, Lieutenant Governor, Senators in Congress, Judges and all other officers, elected by the Legislature. But just in the same proportion, that it might extend its jurisdiction, would the power of the numerical majority, of which it is but the exponent, be extended. When to this it is added, that the reasons assigned for appointing electors by a general ticket equally apply to the election of the Governor, and Lieutenant Governor and Judges, in the same manner, it is not to be doubted, that if it should be adopted for the one, it would be ultimately for the others. Indeed, it is already urged, that the two first should be so elected. — By the time that is done, the compromise, which places the two divisions of the state in the relation of perfect political equality; will have been utterly destroyed and the powers of the state and government concentrated in that, which has the greatest number of voters. It would an entire and disastrous political revolution. Instead of the present excellent constitutional government, which makes ours, in its true meaning, a Republic, or commonwealth, that is the government of the whole, we would have an absolute and despotic democracy, — the government of one portion of the state over the other — the one that has the greatest number of votes, over that which the fewest. No greater curse could befall the state, including both divisions — the one which would acquire the power, and the other which would lose it. It would corrupt the one and debase the other.

But we are told, in order to induce us to take a step so fatal, that all other states of the union have adopted the general ticket for the appointment of electors. — It is true that such is the case; but it is equally so, that its adoption was not the result of unbiased and deliberate preference. It was not so originally. I have not at hand the means of ascertaining the mode adopted at first by the several states but unless I greatly mistake, I do not err in asserting that the great majority appointed their electors, either by Districts or their Legislatures, and few indeed by general ticket. That all since except this state, have adopted it, is attributable, partly, to the violent party struggles, growing out of the Presidential election, and partly to that tendency of all popular governments to concentrate power in the hands of the mere numerical majority, as already explained. In these struggles, one state after another, of those that had adopted the district system, resorted to their eager desire for victory, to the general ticket; in order to concentrate their power; while the states, which at first, appointed by their Legislatures gradually yielded to the tendency towards the numerical majority. That this state has been able to resist successfully the operation of such powerful causes is attributable to the superiority of her Constitution. Long may it enable her to continue her successful resistance, and, instead of following the evil example of others, may it be her patriotism and pride to be an example to them; even if it should remain, to be as it now is, a solitary one.

With these weighty and to my mind overwhelming reasons against the adoption of the general ticket, I would here close the discussion; as far as regards it as being wholly out of the question, were it not for the deep conviction I have, as to the disastrous consequences to the state, which would follow, should it be unfortunately adopted. Under its influence, I feel it to be a duty, in replying to your note, to omit no material reason against it. There still remains one such, with which I shall close this portion of the discussion of the subject.

Those who support a general ticket seem to me, with all due deference, to rest its adoption on a series of unfounded assumptions. They assume, in the first place, that the federal Constitution vests the appointment of electors in the people. But such is not the fact. On the contrary, it expressly provides, that each state shall appoint its electors, with no other restrictions, except that the manner shall be as directed by its Legislature, and that no Senator, or Representative, or person holding an office of trust, or profit under the United States shall be an elector. It is, then, clear, the assumption, that the federal Constitution gives the appointment to the people, rests on another assumption, that the people are the state. It is indeed true they are, regarded in their organic character, as constituting a body politic. In that sense, the people are the state, and the state the people; but no other. It is not, however, in that sense, that the advocates of the general ticket use it. On the contrary, they evidently apply it to the people, in their unorganized character as mere individuals, — a sense, in which the people are never called the state, nor the state the people. I say evidently, because the effect of adopting it would be, to give the appointment to a mere major-